

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STRATAGENE CORPORATION,)
a Delaware Corporation,)
)
Plaintiff/Counterclaim Defendant,)
) C. A. No. 05-275 (SLR)
v.)
)
THIRD WAVE TECHNOLOGIES, INC.,)
a Delaware Corporation,)
)
Defendant/Counterclaim Plaintiff.)

STIPULATED AMENDMENT TO SCHEDULING ORDER

WHEREAS, the parties in the above-referenced action are actively engaged in good faith settlement discussions;

WHEREAS, the parties believe a sixty (60) day hiatus of discovery would be beneficial to their settlement efforts;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, subject to the approval of the Court, that the Scheduling Order (D.I. 12) shall be amended as follows:

2. Discovery.

(b) All fact discovery shall be commenced in time to be completed by **January 17, 2007**.

(1) Document production shall be completed on or before **June 14, 2006**.

* * *

(d) If willfulness has been asserted and absent agreement among the parties, defendant must inform plaintiff as to

whether it intends to rely on advice of counsel by **June 14, 2006**. If the decision is to rely on such advice, the scope of discovery shall include the materials provided by defendant to its counsel and whatever other materials related to the issues in dispute that defendant had in its possession at the time the advice was sought.

* * *

(f) Discovery Disputes.

(1) The court shall conduct in-person discovery status conferences on **June _____, 2006 at 4:30 p.m.**, and on a later **date to be determined at the June _____, 2006 conference**, the time to be allocated equally among the parties.

5. Claim Construction Issue Identification. If the court does not find that a limited earlier claim construction would be helpful in resolving the case, on **August 2, 2006**, the parties shall exchange lists of those claim terms. The document will not be filed with the court. Subsequent to exchanging such lists, the parties will meet and confer to prepare a Joint Claim Construction Statement to be submitted pursuant to paragraph 7 below.

The remaining dates in the Scheduling Order shall remain unchanged.

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*Attorneys for Defendant Third Wave
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So ordered this _____ day of _____, 2006.

United State District Judge

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